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**An ear on peer-to-peer**

One company tracks who's downloading what, not to rat out scofflaws, but to keep the music industry abreast of listener taste

By Dan Mayfield
Tribune Reporter

Beyonce, Lumidee and Mya hit the top 10 in Albuquerque.

But not the Billboard top 10.

The three musicians' hit singles made the TopSwaps October chart, run by a company called BigChampagne, that's quickly becoming one of the hottest charts to watch for music lovers.

BigChampagne doesn't track record sales, radio plays or requests. It doesn't do telephone polls or camp out at stoplights to hear what's coming out of car stereos.



BigChampagne tracks illegal music downloads.

A market-research firm, BigChampagne tracks how many times per week a song is copied from one computer to another on one of the many file-sharing networks available on the Internet.

According to BigChampagne, 87,660 people download music illegally on a regular basis from file-sharing networks every month in Albuquerque.

"It is definitely a point of interest for the industry," said Scott Souhrada, program director for the modern-rock station KTZO-FM (103.3), also called The Zone.

Souhrada - and thousands of other program directors across the country - keep tabs on BigChampagne's TopSwaps charts.

"I look at it as a precursor to what will be popular," Souhrada said, although his station doesn't factor in the data when making its playlists.

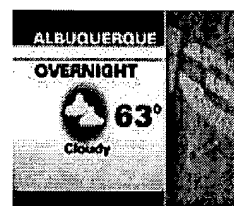
For example, rapper 50 Cent's single P.I.M.P. was the TopSwap for the week of Oct. 13. But it was ranked 15 on Billboard magazine's Top 40 chart.

"Is it something we should play, or play more?" Souhrada asked. "It's pretty intriguing."

Where the data come in handy to radio stations is that they are accurate down to the ZIP code.

"What we can tell a radio station, or a group of stations, is that of the top five songs you're playing, two aren't anywhere close. People can't get away from them fast enough," said BigChampagne's CEO Eric Garland.

The Tribune Web site is updated by noon and as events warrant daily



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At any one time, almost 5 million people are using file-sharing programs to trade everything from music to television shows, movies and software, Garland estimates.

Overall, about 60 million people use the services worldwide - and BigChampagne can track all of it.

So what's the problem here? Downloading copyrighted songs, movies, software, books or movies online is illegal.

But because downloading has become so prevalent, it has become a force in how record companies handle new CD releases and how radio stations make playlists.

Musicians such as 50 Cent, Evanescence and Toya have become successes because of downloads, Garland said.

There are legal music-downloading services out there, but they're scarce and make up a minuscule part of the music market - and don't factor into top 40 charts.

Brian Garrity, a senior business writer for Billboard Magazine, said the market for legal digital music sales is less than \$100 million annually. The entire music market is more than \$3 billion annually.

"The concept of paying for a digital file is still a new concept," Garrity said.

But that's not stopping Billboard from doing what it does best. This year the magazine created its first top 40 chart of music downloads - though Billboard collects data from only legal sources such as iTunes or MusicMatch.

Artists such as Dido and Sarah McLaughlan show up on the download chart far more often than they do on regular top 40 charts, he said.

"The downloading chart tends to be more adult-skewed," Garrity said.

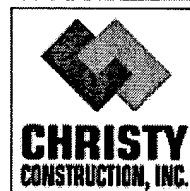
ALBUQUERQUE'S TOP 10

Top 10 songs downloaded in Albuquerque the week of Oct. 13 on BigChampagne's TopSwaps download chart, versus Billboard's Top 40 and Hot 100 charts.

Song - Artist - TopSwaps rank - Billboard rank

P.I.M.P. - 50 Cent - 1 - 15
Right Thurr - Chingy - 2 - 13
Thoia Thoing - R. Kelly - 3 - 17
My Love is Like . . . Wo - Mya - 4 - 12
Shake ya Tail Feather - Nelly - 5 - 2
Baby Boy - Beyonce - 6 - 1
Crazy in Love - Beyonce - 7 - 16
Never Leave You - Lumidee - 8 - Not listed
Act a Fool - Ludacris - 9 - 49 (Hot 100)
Boys of Summer - The Ataris - 10 - 79 (Hot 100)

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Federal and district courts have ruled file-sharing software such as Grokster, Morpheus and Kazaa are legal.

But using the software to copy copyrighted material is illegal. That includes most music, movies, TV shows, books and pictures.

The Recording Industry Association of America says to assume you should pay for downloads unless told otherwise.

Some sites sell music downloads legally. They pay royalties to artists for songs they sell.

Many bands and smaller record labels also sell tracks from their individual Web pages.

Here are some legal sites:

Napster 2.0: It's back - in a legal form. Roxio Inc. bought the site and last month began offering 500,000 downloads at 99 cents each. www.napster.com

iTunes: Run by Apple Computer, it's one of the most popular sites and offers a large catalog of songs at 99 cents each. www.itunes.com

MusicMatch: Offers a catalog of 200,000 songs for 99 cents each. Entire albums can be purchased for \$9.99. www.musicmatch.com

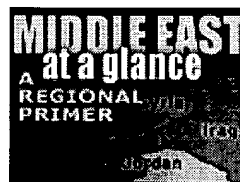
MP3.com: This is one of the few free sites. Lesser-known bands post music for free downloads in hopes of gaining a following. www.mp3.com

Puretracks: Offers 175,000 songs of a more eclectic variety at 99 cents each or albums from \$7.49 to \$13.99. www.puretracks.com

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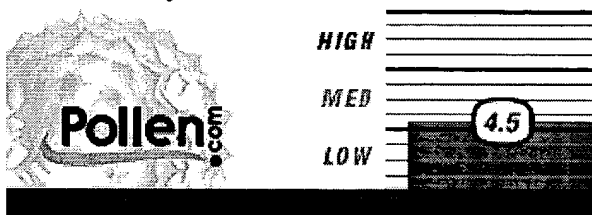
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